

EXHIBIT D

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEVEL SLEEP LLC,

Plaintiff

v.

DORMEO NORTH AMERICA, LLC; TOP
SHOP T.V. LLC (dba DORMEO
OCTASPRING, LLC); OCTASPRING
OPERATIONS US, INC.; and OCTASPRING
US, INC.,

Defendants.

CASE NO.: 2:18-CV-120

JURY TRIAL DEMANDED

**PLAINTIFF LEVEL SLEEP LLC'S NOTICE OF RULE 30(b)(6) DEPOSITION TO
DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Level Sleep LLC will depose Defendants Dormeo North America, LLC; Top Shop T.V. LLC (dba Dormeo Octaspring, LLC); Octaspring Operations US Inc.; and Octaspring US, Inc. (collectively “Defendants”) beginning on a date and time to be determined, and continuing for four hours. The deposition shall take place at the offices of The Dacus Firm, 821 Ese Loop 323, Suite 430, Tyler, TX 75701, or at such other place as the parties mutually agree. In accordance with Federal Rule of Civil Procedure 30(b)(3), the testimony will be recorded by stenographic means and may also be videotaped.

Each Defendant shall designate one or more of its officers, directors, managing agents, or other persons who consent to testify on each Defendant’s behalf as to all matters known or reasonably available to each Defendant with respect to the Topics of Examination set forth in the attached Exhibit A. For each person designated, each Defendant shall advise counsel for Plaintiff of the identity of that person and the topic(s) on which that person shall testify at least ten days in advance of the deposition. Defendants shall also produce all relevant documents in that person’s possession at least ten days in advance of the deposition.

EXHIBIT A

DEFINITIONS

1. “Defendant” or “Defendants” includes any and all of Defendants Dormeo North America, LLC, Top Shop T.V. LLC (dba Dormeo Octaspring, LLC), Octaspring Operations US Inc., and Octaspring US, Inc.

2. “Document” means any document, item, calendar invitation, appointment, electronically stored information, or tangible thing that is discoverable under the scope of Federal Rule of Civil Procedure 34.

3. The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the interrogatory inclusive rather than exclusive.

4. The term “all” encompasses “any,” and vice versa.

5. The term “including” shall not be construed as limiting any interrogatory, and shall mean the same as “including, but not limited to.”

6. The use of the term “the” shall not be construed as limiting the scope of any interrogatory.

7. The singular includes the plural, and the present tense includes the past tense, and vice versa.

DEPOSITION TOPICS

TOPIC NO. 1:

Any Defendant’s lease(s) of space located at 1901 10th Street, Plano, Texas 75074 (the “Plano address”).

TOPIC NO. 2:

The dates and nature of the business operations carried out by any Defendant at the Plano address prior to Defendants’ claimed vacation of that space.

TOPIC NO. 3:

The dates and nature of any business operations any Defendant has carried out in the Eastern District of Texas since April 28, 2017.

TOPIC NO. 4:

The physical locations in the Eastern District of Texas from which any business of any Defendant has been carried out since April 28, 2017.

TOPIC NO. 5:

All employees of any Defendant located in the Eastern District of Texas since April 28, 2017, and the nature of their employment by any Defendant.

TOPIC NO. 6:

All third parties any Defendant has engaged who are located in the Eastern District of Texas and who have performed services for any Defendant since April 28, 2017, and the nature of those services.

TOPIC NO. 7:

All mailing addresses in the Eastern District of Texas any Defendant has maintained since April 28, 2017, and what is done with mail received at those addresses.

TOPIC NO. 8:

Whether the “Dormeo” name (or any other name corresponding to any of the Defendants) is still on the building at the Plano address (or on any other building in the Eastern District of Texas), and if not, the date when the name was removed.

Dates: June __, 2018

Respectfully submitted,

By: _____

Deron R. Dacus

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